

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 13

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte FRANCESCO GOZZO and JOSEPH T. HIGGINS

Appeal No.1998-0933
Application No.08/421,597

ON BRIEF

Before URYNOWICZ, FLEMING, and GROSS, Administrative Patent Judges.

URYNOWICZ, Administrative Patent Judge.

Decision on Appeal

This appeal is from the final rejection of claims 19-22.

The invention pertains to mail sorting. Claim 19 is illustrative and reads as follows:

19. A method of exploiting correlated mail streams when sorting mail to improve character recognition of the address of a mail piece image, comprising the steps of:

creating a database for storing data based on statistical relationships of selected parameters obtained from the correlated mail streams;

processing mail piece images using optical character recognition to recognize characters in the mail piece image address;

selecting mail piece images with unassigned

characters and improperly assigned characters in the mail piece image address; and

assigning characters in the selected mail piece images based on statistical relationships in the database.

The reference relied upon by the examiner is:

Manduley et al. (Manduley) 5,079,714 Jan. 7,
1992

Claims 19-22 stand rejected under 35 U.S.C. § 103 as being unpatentable over Manduley.

The respective positions of the examiner and the appellants with regard to the propriety of these rejections are set forth in the final rejection (Paper No. 8), the examiner's answer (Paper No. 12) and the appellants' brief (Paper No. 11).

Appellants' Invention

An adequate summary of the invention is provided at pages 2-5 of the brief.

Opinion

After consideration of the positions and arguments presented by both the examiner and the appellants, we have concluded that the rejection should not be sustained.

Manduley discloses a mail processing system. The system includes a comparator 18 which assigns an ordinal number to each piece of mail to identify each mail piece individually to allow the system to track each mail piece as it is processed. The ordinal numbers are stored in a

microcomputer 20, as are national zip codes.

The examiner's position with respect to the rejected claims appears at page 4 of the final rejection.

That position, which is incorporated into the examiner's answer, is that,

Although Manduley does not clearly teach the characters being assigned in the mail piece images based on statistical relationships in the database, it would have been obvious to one of ordinary skill in the art that the step of assigning an ordinary [sic:ordinal] number in Manduley can inherently include that limitation because this number is assigned at a comparator which compares the zip code in the mail piece with the national zip code +4 in database (col. 4, lines 44-46).

This position is not persuasive because Manduley has not been shown to teach storing data in a database which is based on statistical relationships of selected parameters obtained from mail streams, nor the assigning of characters in a mail piece image based on the stored data, and it has not been established wherein there exists some suggestion or incentive to make the purported obvious modifications of the prior art. In re Fritch, 972 F.2d 1260, 1266, 23 USPQ2d 1780, 1783-1784 (Fed. Cir. 1992). The examiner's position that the step of assigning an ordinal number in Manduley can inherently include that limitation is unpersuasive because the examiner has not established inherency. The fact that the number is assigned at a comparator does not establish the alleged inherency. Lastly, the fact that the prior art may be modified to include storing data in a database

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which is based on statistical relationships of selected parameters obtained from mail streams, and the assigning of characters in a mail piece image based on the stored data does not make the modifications obvious unless the prior art suggested the desirability of the modifications. In re Fritch, supra.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

REVERSED

STANLEY M. URYNOWICZ JR.)	
Administrative Patent Judge)	
)	
)	BOARD OF
PATENT		
MICHAEL R. FLEMING)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
)	
)	
ANITA PELLMAN GROSS)	
Administrative Patent Judge)	

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